

Article - Criminal Law

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§10–615.

(a) If an owner or custodian of an animal is convicted of an act of animal cruelty, the court may order the seizure of the animal or any other animal at the time of conviction for the protection of the animal.

(b) (1) An officer or authorized agent of a humane society, or a police officer or other public official required to protect animals may seize an animal if necessary to protect the animal from cruelty.

(2) (i) An animal that a medical and scientific research facility possesses may be seized under this subsection only after review by and a recommendation from the Maryland Department of Health, Center for Veterinary Public Health.

(ii) The Maryland Department of Health shall:

1. conduct an investigation within 24 hours after receiving a complaint; and
2. within 24 hours after completing the investigation, report to the State's Attorney for the county in which the facility is situated.

(c) (1) If an animal is impounded, yarded, or confined without necessary food, water, or proper attention, is subject to cruelty, or is neglected, an officer or authorized agent of a humane society, a police officer, another public official required to protect animals, or any invited and accompanying veterinarian licensed in the State, may:

(i) enter the place where the animal is located and supply the animal with necessary food, water, and attention; or

(ii) seize the animal if seizure is necessary for the health of the animal.

(2) A person who enters a place under paragraph (1) of this subsection is not liable because of the entry.

(d) (1) A person who seizes an animal under subsection (c) of this section shall notify the animal's owner or custodian by personal service or certified mail within 24 hours of:

(i) the seizure;

(ii) any administrative remedies that may be available to the owner or custodian; and

(iii) if an administrative remedy is not available, the right to petition the court for the return of the animal under paragraph (2) of this subsection, including instructions describing how to petition the court for the return of the animal.

(2) If an administrative remedy is not available, the owner or custodian may file a petition for the return of the animal in the District Court of the county in which the seizure occurred within 10 days after the seizure.

(e) An animal is considered a stray and will be forfeited to a person who is authorized to seize the animal if:

(1) an owner or custodian of the animal was notified under subsection (d) of this section and failed to file a petition within 10 days after seizure; or

(2) the owner or custodian of the animal is unknown and cannot be ascertained by reasonable effort for 72 hours to determine the owner or custodian.

(f) This section does not allow:

(1) entry into a private dwelling; or

(2) without the prior recommendation of a veterinarian licensed in the State, seizure of:

(i) livestock, as defined by § 1–101 of the Agriculture Article;

(ii) poultry, as defined by § 1–101 of the Agriculture Article; or

(iii) a dog that is actively engaged in livestock herding or guarding.

(g) In Baltimore County, the Baltimore County Department of Health, Division of Animal Control or an organization that the Baltimore County government approves shall enforce this section.

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